

A DIGEST
OF THE
Laws and Ordinances

FOR THE GOVERNMENT OF THE MUNICIPAL CORPORATION OF THE

CITY OF WILLIAMSPORT, PENNSYLVANIA, *Ordinances, etc.*

IN FORCE AUGUST 1, 1900.



PUBLISHED BY AUTHORITY OF THE CITY COUNCILS

IN THREE PARTS

By LOUIS RICHARDS and WILLIAM D. CROCKER, Esqs.

NEWARK, N. J.
SONEY & SAGE

1900

CC
Williamsport
3
1900

Copyright, 1900, by SONEY & SAGE.

Presented by
the Williamsport Mayor

March 11, 1908

Pt. I.

GENERAL ACTS OF ASSEMBLY

FOR THE GOVERNMENT OF

CITIES OF THE THIRD CLASS.

Prepared by Louis Richards.

Aldermen.

[SEE FINES AND PENALTIES.]

I. ELECTION OF ALDERMEN.

1. Constitutional provision. Qualifications.
2. Election of aldermen in cities of third class.
3. When terms to expire.
4. Constables to give notice.

II. VACANCIES.

5. How vacancies to be filled.
6. Aldermen to file acceptance with prothonotary. Governor to issue commission. Fee. Oath.

III. FEES.

7. Fees of aldermen throughout the state. Fees under U. S. laws.

IV. APPEALS AND TRANSCRIPTS.

8. Aldermen may demand costs in advance before delivering transcript. When to be recovered back.
9. Also costs upon transcript of judgment. Except where appellants are unable to pay.
10. Transcript in cases of felony to be returned within five days. Penalty.

I. Election of Aldermen.

1. Except as otherwise provided in this constitution, justices of the peace or aldermen shall be elected in the several wards, districts, boroughs and townships at the time of the election of constables, by the qualified electors thereof, in such manner as shall be directed by law, and shall be commissioned by the governor for a term of five years. No township, ward, district or borough shall elect more than two justices of the peace or aldermen, without the consent of a majority of the qualified electors within such township, ward or borough;¹ no person shall be elected to such office unless he shall have resided within the township, borough, ward or district for one year next preceding his election. In cities containing over fifty thousand inhabitants, not more than one alderman shall be elected in each ward or district.

2. Each of the wards of each of the said cities shall be entitled to elect one alderman,² who shall have all the powers

¹ This provision does not command the election of two justices of the peace for each ward of a borough. *Commonwealth v. Morgan*, 178 Pa. 198.

² Cities of the third class, whether incorporated under the Act of 1874 or that of 1889, are entitled to elect but one alderman in each ward. *Commonwealth v.*

Hastings, 16 Pa. C. C. R. 425; *Harris's Application*, 4 Dist. R. 320. *Quaere*, whether, under the constitution, the election of an alderman in every ward in cities of the second and third classes is obligatory, or whether the present number in such cities may not be reduced by legislation?

23 May 1874. and jurisdiction of a justice of the peace, and said alderman shall be elected at the municipal election next preceding the expiration of the commission of the justice of the peace resident in the district out of which the said ward shall be created; if two justices of the peace reside therein, then the alderman shall be the successor of the justice of the peace whose commission shall first expire; and no successor shall be elected to the one still in office, but his commission shall be and remain in full force until its expiration.¹

22 March 1877
§ 1. P. L. 12.

When terms to expire.

Id. § 2.

Constables to give notice.

3. All aldermen or justices of the peace who shall be elected on the third Tuesday of February next, or in any year thereafter, whose terms of office would under existing laws expire prior to the first Monday of May, shall continue in office from the date at which said term would otherwise expire until the first Monday of May next ensuing thereto.

4. It shall be the duty of the constable of the proper ward, district, borough or township to give at least twenty days' notice, by advertisement preceding the election to be held on the third Tuesday of February of each year, of the expiration of the term of the commission of any alderman or justice of the peace that may expire on or before the first Monday of May following, and also of any vacancy that may happen by death, resignation or otherwise.

II. Vacancies.

22 March 1877
§ 3. P. L. 12.

How vacancies to be filled.

Id. § 4.

Aldermen to file acceptance with prothonotary.

5. If any vacancy shall take place after any ward, district, borough or township election, by reason of the erection of any new ward, district, borough or township, or from the neglect or refusal of any person elected to accept a commission within sixty days after the date thereof, or by death, resignation or otherwise, such vacancy shall be filled by appointment by the governor until the first Monday of May succeeding the next ward, district, borough or township election.²

6. The aldermen or justices of the peace, elected under the provisions of this act, shall file an acceptance of said office with the prothonotary of the proper county, stating therein the name of the alderman or justice of the peace whom they succeed, with the cause of vacancy; and said prothonotary shall certify the same under his seal of office to the sec-

¹ The amount of the official bond of aldermen and justices of the peace is to be fixed by the Court of Common Pleas, under the Act of June 21, 1839, § 6, P. L. 376, and the bond must be recorded. By the Act of June 1, 1891, P. L. 143, they are authorized to provide themselves with an official seal, similar to that used by notaries public.

² This section is not in conflict with Sec. 8 of Art. IV of the constitution, authorizing the governor to fill vacancies until the next succeeding general election. The constitutional provision was not in-

tended to apply to officers elective at the February election. *Commonwealth v. Callen*, 101 Pa. 375. It also modifies the act of May 6, 1874, P. L. 118, in respect to the duration of the term of the appointee. The power given to the governor by the act of 1877 to fill vacancies is not disturbed by the provision for the election of ward officers in territory annexed to a city of the third class under Sec. 5 of Art. III of the Act of May 23, 1889, P. L. 281. *Commonwealth v. Machemer*, 18 Pa. C. C. R. 92; 5 Dist. R. 560.

PARTS II. AND III.

Special Acts—Charters,
Ordinances and Resolutions.

COMPILED BY W. D. CROCKER.

PART III.

Ordinances and Resolutions

OF THE BOROUGH AND CITY OF

WILLIAMSPORT, PA.

comp. by W. D. Crocker.

Ordinances and Resolutions of the Borough and City of Williamsport.

Academy.

[See DICKINSON SEMINARY; SPECIAL ACTS OF ASSEMBLY.]

- I. PURCHASE OF—1, 2.
- II. SALE OF—3-10.

1. That the town council for the use of the borough of Williamsport, purchase from John K. Hays and Peter Vanderbelt, the Academy and lot of ground attached to same, (formerly the property of Lycoming county, and sold by the sheriff of said county,) for the price paid by the said Hays and Vanderbelt, with costs and interest: *Provided*, That they, the said Hays and Vanderbelt accept the same.¹ Res. May 19,
1845.
B.M.B. 1, 13.
§ 1.
Purchase of
property.

2. That a tax be laid for the purpose of paying for the Academy and lot of ground, and to pay all demands against Tax for. said borough of Williamsport. Id. § 2.

3. That said (the borough) authorities shall make a legal transfer or conveyance of all the right, title and interest of the borough of Williamsport in said Academy, grounds and appurtenances, to a board of trustees under the style and title of "Trustees of Dickinson Seminary at Williamsport." Res. Jan. 5,
1848.
B.M.B. 1, 33.
§ 1.
Sale of to
Dickinson
Seminary.

4. That said board shall have power to fill its own vacancies and two-thirds thereof shall be members of the M. E. Church, and one-third of other denominations of Christians. Id. § 2.
Board of
trustees.

5. That a school shall be established under the title of Dickinson Seminary at Williamsport, auxiliary to Dickinson College at Carlisle. Id. § 3.
Name
changed.

6. That instruction shall be given to youth of both sexes designed to afford a liberal education to females and qualify Pupils of young men for entrance upon a regular college course, and pupils of all denominations shall be admitted on the same terms. Id. § 4.

7. That the school shall be under the supervision and patronage of the Baltimore Conference, and shall sustain a religious character similar in all respects to the parent institution at Carlisle. Id. § 5.
Supervision
of.

8. That whenever the M. E. Church shall cease to use the property for educational purposes it shall again revert to the borough of Williamsport with all such improvements as shall be made thereon. Id. § 6.
Reversion of.

¹ The purchase above referred to was consummated July 5, 1845. See B. M. B. 1, p. 14.

ACADEMY—ADDITIONS.

Id. § 7.Consideration
for sale.

9. That said M. E. Church shall assume and pay to John K. Hays and Peter Vanderbelt, their heirs and assigns, the sum of two hundred and thirty-nine dollars and thirty-seven cents with interest from the 28th of June, 1847, and pay to the borough of Williamsport the sum of two hundred and four dollars and thirty-one cents, with interest from the fifth day of July, 1845.

Id. § 8.
Conditions of
sale.

10. That the above stipulations are conditional on the part of the M. E. Church until sanctioned by the Baltimore Conference.

Additions.

Andrews' Addition, 12.

Church's Addition, 2.

Gilmore's Addition, 10.

Herdic, Lentz & White Addition, 6.

Mahaffey's Addition, 14.

McCormick's Addition, 11.

Newberry, Plan of, 1.

Reighard's Addition, 16.

Newberry,
plan of.Church's ad-
dition.Ross addi-
tion.Vander-
belt's addi-
tion, No. 1.Thompson's
addition, No.
1, 1.Herdic,
Lentz and
White ad-
dition.Williams-
port Man-
ufacturing
Co.Thompson's
addition.
No. 2.Vander-
belt's addi-
tion, No. 2.

Ross Addition, 3.

Thompson's Addition, No. 1, 5.

Thompson's Addition, No. 2, 8.

Vanderbelt's Addition, No. 1, 4.

Vanderbelt's Addition, No. 2, 9.

Williamsport Manufacturing Co., 7.

Wilson's Addition, 13.

Woodward's Addition, 15.

1. Plot dated October 31, 1810, of land bounded N. by (High) now Newberry street, E. by line of Water street, S. by line of (Pine) now Baker street, and W. by (Pine) now Poplar street. See Deed Book 8, front of book.

2. Deed F. & J. Church, May 22, 1833, for plot bounded N. by E. Third street, E. by (Vanderbelt) Penn street, S. by the river, and W. by Academy street. Rec. D. B. 20, p. 182. For vacation of streets and alleys in that part of same S. of canal, see Spec. Acts of Assembly, title "Streets."

3. Deed W. F. Packer, May 5, 1855, for plot bounded N. by E. Third street, E. by Edkin and Heisley, S. by river, and W. by (Vanderbelt) Penn street. Rec. D. B. 36, p. 835.

4. Deed W. R. Vanderbelt et al., October 24, 1857, for plot bounded N. by Sloan alley, E. by Elizabeth street, S. by P. & E. R. R., and W. by Market street. Rec. D. B. 38, p. 641.

5. Plot recorded April 25, 1867, of land bounded N. by P. & E. R. R., E. by Arch street, S. by D. Updegraff, and W. by —? Rec. D. B. 53, p. 2.

6. Plot accompanying deed of partition dated December 19, 1867, for land bounded N. by W. Third street, E. by Locust street, S. by (Gilmore) Second and by (Jefferson) First streets, and W. by Park street. Rec. D. B. 54, pp. 304, 330.

7. Plot recorded September 3, 1868, for lands bounded N. by Rural avenue, E. by Center street, S. by P. & E. R. R., and W. by Seventh avenue. Rec. D. B. 57, back of book.

8. Plot recorded June 1, 1870, for land bounded N. by T. Add. No. 1, and S. by Lincoln street. Rec. D. B. 61, pp. 657-9.

9. Plot accompanying deed of partition dated May 5, 1872, for following two plots, viz.: No. 1, bounded N. by P. & E. R. R., E. by Butler street, S. by E. Third street, and W. by Penn street. No. 2, bounded N. by canal, E. by Penn street, S. by Cat. R. R. Co., and W. by Academy street. Rec.

BRANDON PARK.

89

Brandon Park.

I. ACCEPTANCE OF—1-6.

II. RULES AND REGULATIONS—7-9.

I. Acceptance Of.

1. Whereas, A. Boyd Cummings, of the city of Philadelphia, has executed a deed of conveyance to the city of Williamsport for forty-three acres and thirty-nine perches of land situate in the Eighth ward of the city in trust for the purpose of a park for public uses, and to be known as "Brandon Park," and has placed said deed of conveyance in the hands of his counsel, Allen & Reading, for delivery to the city upon the passage by the councils of an ordinance accepting such conveyance and appointing a commission, and providing for the improvement, regulation and government of said park; therefore,

2. That the deed of conveyance from the said A. Boyd Cummings to the city of Williamsport, in trust, of forty-three acres and thirty-nine perches of land situate in the Eighth ward of the said city for the purpose only of an open space or park for the use of the public forever, and to be called and known as Brandon Park, be and the same is hereby accepted by the city of Williamsport in accordance with the terms of said conveyance as will fully appear by the deed of conveyance for said lands bearing date the twenty-first day of February in the year of our Lord one thousand eight hundred and eighty-nine.

3. That Robert P. Allen, Hugh H. Cummin, Lindsey Maffey, Oliver H. Reighard, J. Artley Beeber, Robert Neilson and the mayor of the city of Williamsport be and they are hereby appointed park commissioners to serve during good behavior without compensation, whose duty it shall be to prepare and report to councils a plan for the improvement, regulation and government of said Brandon Park, and to supervise the work of improvement of said park, and expend the moneys which may be appropriated from time to time by the city for such improvements, and of which said commission shall make report at least once in every year as to the progress of the improvements upon said park and the condition of the same to the city councils.

4. That no circuses, menageries, athletic games for exhibition, or any other kind of public exhibition shall ever be allowed upon said park.

5. That the mayor of the city of Williamsport by and with the consent of the majority of the select council shall have authority to fill, upon the nomination only of the surviving members of the commission, all vacancies in said park com-

Ord. 358 C.

C., March 20,

1889. O. B. 2,

p. 332.

Preamble.

Id. § 1.

Deed ac-
cepted.

Id. § 2.

Commis-
sioners ap-
pointed.

Duties of com-
missioners.

Id. § 3.

Exhibitions,
etc., pro-
hibited.

Id. § 4.

Vacancies,
how filled.

BRANDON PARK.

mission which may be occasioned by death, resignation or otherwise.

Id. § 5.

Pledge.

6. That the faith of the city of Williamsport be and the same is hereby pledged to the performance on the part of said city of the terms of the acceptance from the said A. Boyd Cummings of the conveyance of said Brandon Park in accordance with the foregoing ordinance.

Ord. 404 C.
C., June 18,
1890, § 1. O.
B. 2, p. 393.

Regulations.

Driving regu-
lated.

Vehicles for
traffic pro-
hibited.

Bicycles in
park.

Law of road.

Entrance and
exit.

Led horses.

Animals at
large.

Trees and
shrubbery.

Fountains.

Ponds.

Nuisances.

Birds, fish,
etc.

Trees, protec-
tion of.

Notices.

II. Rules and Regulations.

7. The following rules and regulations be and are hereby established as the rules and regulations for the government and protection of Brandon Park, viz.:

(1.) No person shall drive or ride in Brandon Park at a rate exceeding seven miles an hour.

(2.) No person shall ride or drive upon any part of the park, except on the avenues and roads.

(3.) No vehicle of burden or traffic shall be permitted within said park, except when employed in the business of the park.

(4.) No bicycles, tricycles or other vehicles of a similar nature, shall be driven at a greater speed than seven miles per hour in the park.

(5.) When carriages, bicycles, tricycles or equestrians meet, the parties respectively shall keep to the right as the law of the road.

(6.) No person shall enter or leave the park except by such gates or avenues as may be for such purposes arranged.

(7.) No person shall bring or lead a horse or horses within the limits of the park not harnessed and attached to a vehicle, or mounted by an equestrian.

(8.) No person shall turn cattle, goats, swine, horses, dogs or other animals loose into the park.

(9.) No person shall cut, break or in anywise injure or deface the trees, shrubs, plants, flowers, fruit, turf or any of the buildings, fences, bridges, structures or statuary, or foul any fountains or springs within the park, or throw stones or rubbish of any kind into any lake or pond of the park, or bathe in the same.

(10.) No person shall throw any dead animal or offensive matter or substance of any kind within the boundaries of the park.

(11.) No person shall disturb the fish or water fowl in the pool or pond, or birds in any part of the park, or annoy, strike, injure, maim or kill any animal kept by direction of the commissioners, either running at large or confined.

(12.) No person shall attach a swing to, fasten a horse to, or climb a tree in said park.

(13.) No person shall injure, deface or destroy any notices, rules or regulations for the government of the park

BRANDON PARK—BRIDGES.

91

posted or in any other manner permanently fixed by order or ^{Posting bills} permission of the commissioners of the park, nor affix any ^{forbidden.} bills or notices within the limits of the same.

(14.) No person shall expose any article for sale within ^{Traffic pro-} the park. ^{hibited.}

(15.) No person shall have any musical or other entertainment in the park, nor shall any parade or procession take place in or pass through the park, nor shall any picnic, gathering or public meeting of any kind be permitted therein without the previous permission of the commissioners. ^{Parades, etc., prohibited.} ^{Picnics prohibited.}

(16.) No person shall engage in any play at base ball, cricket, shinny, foot ball, croquet, or at any other athletic games within the limits of the park, except on such grounds only as shall be specially designated for such purposes by the park commissioners. ^{Games prohibited.}

(17.) No person shall introduce any spirituous, malt or ^{Liquors pro-} brewed liquors into said park, either for his own use, to sell, ^{hibited.} or to give away, nor shall any intoxicated person enter or remain in said park.

(18.) No person shall curse or swear or use threatening or ^{Swearing.} abusive language, or fight or throw stones, or behave in a ^{Disorderly} riotous or disorderly manner in said park. ^{conduct.}

(19.) No person shall indulge in any insulting or indecent ^{Nuisances.} language, or commit a nuisance in the park.

(20.) No person shall engage in playing cards or gambling ^{Gambling.} in said park.

(21.) No person shall carry fire-arms, or shoot in the park, ^{Firearms.} or discharge any fire-works, or throw stones or missiles therein.

8. Any person who shall violate any of said rules and regulations shall be liable to a fine of not less than five dollars ^{Id. § 2.} ^{Penalty.} nor more than fifty dollars, to be recovered before any alderman of the city of Williamsport, with costs, together with judgment of imprisonment not exceeding thirty days, if the amount of said judgment and costs shall not be paid, which fines shall be paid into the city treasury for park purposes.

9. Packer street, where it passes through the park, is hereby abandoned as a public highway and declared to be a part ^{Id. § 3.} ^{Packer Street} of the park, subject to the rules and regulations adopted for ^{vacated.} its government and protection.¹

¹ See "Streets—Vacation of."

Bridges.

Almond Street, Bridge over McClure's Run, N. 1.
Center Street, Bridge over Graffius Run, 2.
Cherry Street, Bridge over Graffius Run, 7.
Elmira Street, Bridge over Graffius Run, 1.

Evaline Alley, Bridge over Graffius Run, 3.
High Street, Bridge over Graffius Run, 4-5.
Lycoming Creek Bridges, N. 2.
Rural Avenue, bridge over Graffius Run, 6.

¹ On Dec. 9, 1889, a resolution passed common council for the construction of a bridge over the Run (McClures Run) on Almond Street near Wyoming Street; See C. C. M. B., p. 475. The resolution passed select council on Dec. 16, 1889; See S. C.

M. B., p. 346. The resolution cannot be found, but the bridge was built. In the case of *Kennedy v. The City*, No. 385, Sept. T. 1897, the question arose as to whether the bridge had been built by the city or by Loyalsock Township.